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### Documents from the April 19, 2012 meeting of the Associated Students of the University of Montana (ASUM)

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**ASUM SENATE AGENDA – Special Session**  
**Wednesday, April 19, 2012**  
**University Hall 004 – 5 P.M.**

- 1. CALL MEETING TO ORDER**
- 2. ROLL CALL**
- 3. PRESIDENT'S REPORT**
  - a. Elections Committee decision appeal
- 4. ADJOURNMENT**

**ASUM Senate Minutes – Special Session**  
**Thursday, April 19, 2012**  
**University Hall 004 – 5 p.m.**

Chair Sims called the meeting to order at 5:00 p.m. Present: President Gursky, Vice President Edmunds, Business Manager Sims, Professor Smith; and Senators Bennett, Boslough, Brown, Coon, Dantic, Dickmeyer, Gordon, Hohman, LaFortune, Molgaard, Nielsen, Overturf, Patten, Selph, Simpson, Springmeyer, Suzuki, Williams, M. and Williams, T. Excused: Senator Klapmeier. Unexcused Departure: Vice President Edmunds and Senators Gordon and Hohman.

**President's Report**

A motion by **Gursky-Nielsen** to censure Senators Brown, Hohman, and Williams, M. passed by Voice Vote (VV).

- Suzuki – Senator Suzuki read aloud the Election Committee's (EC) official decision (Ex A). Two things were taken into consideration for this decision: (1) the magnitude of the violation and (2) the clarity of the rule that was violated. All candidates were made to attend an information session that covered specific Bylaws relevant to elections. The EC debated for three hours and reached the decision that the candidates did violate a Bylaw (on a vote of 6-0) and that the most appropriate punishment would be disqualification (on a vote of 5-1). Senator Suzuki passed around a letter written by the dissenting member on why they believed disqualification was an inappropriate punishment. He also pointed out that no action was taken by the candidates to verify that the actions they were taking were within the rules of the election.
- Brown – Candidate Brown clarified that they were not appealing the EC's decision that his team had broken a Bylaw, but rather the decision to have them removed from the running. He asserted that the punishment did not fit the crime and that it was not democratic to have six people from the EC decide the outcome of the election. He stated that students would be left out of the elections process by having only one team on the ballot. He apologized for his running team's accidental misunderstanding of the Bylaws, citing the ambiguous nature of phrases such as "contribution in kind" and "third party" that are left undefined in Article V, Section 2, Subsection N of the Bylaws. He also pointed out that the punishment for accepting contributions was stated as "up to and including disqualification" and that the harshest punishment was not necessarily required. Candidate Brown also distributed past pictures of Monte Bear posing with ASUM staff, executives, and senators, which he said had created an unclear precedence. He clarified that the man playing Monte had approached his running team as an individual (not in his suit) and proposed the idea himself. He stated that he had discussed his situation with Legal Services and there was agreement that the Bylaws left a lot of room for interpretation and in cases like that, interpretation must refer to state law (which leaves the final verdict to the voters).
- Suzuki – Senator Suzuki repeated his argument that the information was given to the candidates and it was their responsibility to clarify any confusion they may have had. He stated that the team knowingly engaged in a major violation of the rules and did not ask if it would have been an appropriate campaigning technique. He asserted that the pictures

of Monte taken with ASUM senators was not during active elections and that when Monte is in his suit he is not an individual, but rather a representative of The University of Montana and the Athletics Department. The info session covered third party contributions and Senator Suzuki stressed that the bylaws needed to be upheld.

- Hagfors – Candidate Hagfors stated that they had violated the bylaws according to the EC's interpretation of those laws. He questioned the definition of "third party" as including individuals like Monte, but not any friends that would like to help them campaign. He questioned where the line between an acceptable and unacceptable third party contribution was drawn. He stated that if there was a lack of clarity in the Bylaws, then the Bylaws should be changed to make them clearer. He asserted that if the Bylaws were clear, it would not have taken the EC three hours to reach a vote of 5-1. He stated that different interpretations of the Bylaws should not be punished and that a six-person committee should not be left to decide the outcome of a two-team ticket.
- Dantic – Noted that it was undemocratic to have no public comment in a meeting of this impact and that "some dude in a bear suit" should not be considered any different than campaigning with a puppy.
- Edmunds – Restated that third party and in-kind contributions were covered at the info session and reminded the Senate that the EC made a decision about the violation of a Bylaw, *not* who would win the election.
- Williams, T. – Agreed that the Bylaws are very confusing and that the students should be allowed to decide.
- Boslough – Agreed that the definitions were murky and that the punishment should not be the most extreme offered.
- Selph – Stated that Monte was clearly a representative of The University of Montana but that the harshest punishment was not right.
- Bennett – Took a poll of the public that had attended as to who supported Brown and Hagfors. The poll was largely in favor.
- Gursky – Reminded the Senate that the EC voted unanimously that there was a violation of Bylaws and that the appeal was for the *punishment*. She urged the senators to keep their comments in the realm of appropriate punishments and alternatives.
- Dickmeyer – Stated that she believed the violation to be an honest accident, and urged the Senate to consider the intent behind the Bylaws and let the voters decide.
- Patten – Senator Patten argued that if the Bylaws were at any time unclear, the candidates should have asked for clarification.
- Overturf – Senator Overturf, a member of the EC, stated that the committee had not been considering the issue of a two-team ticket and had made their decision solely based off of the transgressions.
- LaFortune – Senator LaFortune, another member of the EC, had voted to disqualify the team following past precedent of the prior year.
- Suzuki – Clarified that the three-hour meeting was to decide the punishment and was not due to the Bylaws being unclear.
- Springmeyer – Conveyed his disapproval with the time constraints of the meeting, as well as the lack of public comment, and proposed that a more suitable punishment would be to disallow the use of all campaign materials.
- Nielsen – Read a law definition of third party and stated that the candidates were in clear violation of it.

- Edmunds – Informed the Senate that Monte also violated his contract and that he was being reprimanded. He also stated that Monte's services run \$100/hour.
- Williams, T. – Argued that the Bylaws were in place to protect students' rights from malicious intent and that the violation under review had not been committed out of intent to harm.
- LaFortune – Questioned whether past precedence was worth upholding or whether the Senate should set a new precedent.
- Coon – Stated that students groups were not allowed to help, and thus Monte was a clear violation of the third party clause of the Bylaws.
- Patten – Argued that accepting the reasoning of "ignorance of Bylaws" was a dangerous road that could lead to more future infractions.
- Dantic – Urged the Senate to stop focusing on past precedence.
- Suzuki – Argued that past precedence is important and that campaign material cannot be removed from peoples' minds.
- Nielsen – Stated that unless the other team somehow was given an advantage (like time with Monte) then the race would not be fair.
- Gursky – Reasserted that the violation was not the issue in question and that the Senate should focus on the punishment.

A motion by **Gursky-Gordon** to agree with the EC decision that the candidates were in violation of the bylaws was approved by VV.

- Molgaard – Stated that campaigning is dangerous and that not acting with caution at all times is irresponsible.
- Suzuki – Explained that the EC had looked at other alternatives of disqualification and that none of them were feasible.
- Dantic – Argued that the actions of Monte Bear were important in understanding the magnitude of the violation. She asserted that verbal statements of "vote for Zach" should not be considered campaigning.
- Williams, T. – Stated that suspending the candidates' campaign was a good option and was within Bylaw requirements.
- Edmunds – Observed that violations like these happen every year.
- Nielsen – Posed a query as to how many people Monte spoke to in the University Center. She stated that she believed disqualification was too harsh.
- Patten – Stated that he did not like the idea of a one-team race but that he agreed with the EC's decision.
- Simpson – Noted that the campaign use of Monte Bear was not just a violation of ASUM bylaws, but state law as well.
- Gursky – Expressed her support of the EC's decision.
- Bennett – Urged the Senate to respect the public who showed up to support their candidates and that disqualification is too harsh.
- LaFortune – Reminded the Senate that they were discussing what punishments would be appropriate and expressed her wish for a Public Comment section of the meeting.

A motion by **Dantic-Bennett** for a seven-minute Public Comment section passed 15-3 by Roll Call Vote (RCV). (see Tally Sheet)

### Public Comment

- Jacob Lutz urged the Senate to consider a different punishment.
- Brian Moses pointed out a conflict of interest that the EC members who are also Senators would be getting their votes counted twice.
- Annamiek Wilson believed the punishment to be too harsh for the offense.
- James Opie asked the Senate for a different punishment.
- Kristie Viereck supported the candidates and requested a kinder punishment.
- Amanda Stovall is a member of the Elections Committee and she stood by the original decision.
- Simon Hanson argued that if there is any doubt that the Senate should air on the side of caution and urged the Senate to consider the consequences of disqualification.
- Julie Walsh argued that a punishment should fit the crime and that disqualification is an illogical punishment.
- Patrick Rhea agreed that the Bylaws are unclear and that “third party” is the only term not defined. He also seconded the objection against the conflict of interest of EC members voting in Senate.
- Steven Munic wanted the decision to go to a student vote.
- Peter Burns asked the Senate to leave the decision to a student vote and that a Kaimin photo of Monte with the other team would fix any unfairness.
- Hannah Heilicher asserted that the fault was Monte’s for approaching the candidates and breaching his own contract.
- Kendell Houghton commented that the election being decided by a six-person committee behind closed doors is extremely “shady.”
- Hanes Hansen argued that by giving the candidates the worst possible punishment, the Senate is saying that the violation was the worst possible infraction, which he believed was not the case. He strongly believed that other punishments were viable, contrary to the EC’s discussion.
- Patrick Funk said that the candidates got students excited about the elections and they should not be punished for thinking outside of the box. He urged the Senate embrace such creativity and allow the students to decide the outcome of the election.

A motion by **Springmeyer-Williams, T.** to extend the meeting indefinitely was approved by VV.

- Williams, T. – As a representative body, the Senate should listen to the voice of the students.
- Suzuki – The Senate votes without student input weekly, and the emergency session should be no different.

A motion by **Gursky-Nielsen** to remove the time constraint on senators’ comments was approved 10-7 by a Roll Call Vote (RCV). (see Tally Sheet)

- Patten – There was no harmful intent in the violation, and nothing can be done about the impact due to the elections being next week. He urged the Senate to do a write-in candidacy.

- Overturf – The EC did not vote to decide the elections, but rather to punish a violation. She urged the other members of the EC that were on the Senate to continue to abstain from voting to avoid conflict of interest.
- Suzuki – In answer to a question by Senator LaFortune, Senator Suzuki clarified that a write-in could work and that the disqualification would not harm their eligibility to be elected.

A motion by **Dantic-Williams, T.** to overturn the EC decision failed 9-5 by RCV. (see Tally Sheet)

A motion by **Springmeyer-Molgaard** to change the punishment decided upon by the EC from disqualification of the candidates to suspending their campaign but keeping them on the ballot passed 11-3 by RCV. (see Tally Sheet)

- Nielsen – The decision comes down to a matter of fairness. There are other options besides disqualification, including removal of the candidates' name from the ballot.

A motion by **Williams, T.-Dantic** to accept the EC decision as amended failed by VV.

- Gursky – Before passing the punishment of a suspended campaign, the Senate should first define what a suspended campaign is and how it will be enforced.
- Edmunds – In response to a suggestion by Professor Smith that Monte be required to appear with both teams of candidates, VP Edmunds explained that there will most likely be no Athletics Department approval to have Monte campaign with the other team because it is a violation of his contract. He also resolved that all in-kind donations must be accounted for and Monte's time runs \$100 per hour.
- Sims – Reminded the Senate that the actual definition of a suspended campaign could be left for the EC to decide.
- Bennett – Suggested that part of a suspended campaign could include all materials being removed from campus and restricting the candidates to only verbal campaigning.
- Dantic – Questioned whether or not it was the job of the Senate to define a suspended campaign.
- LaFortune – The Elections Committee would be willing to decide the definition of a suspended campaign and would take ideas from the Senate. The EC did not wish to have the appearance of closed-door decisions.
- Overturf – Suggested that all senators give their opinion on what should be included in the definition and submit those suggestions to the EC.

A motion by **Williams, T.-Molgaard** to approve the decision as amended failed by VV.

- Bennett – Renewed her suggestion to define a suspended campaign as the removal of materials from campus and restricting campaigning to verbal only.
- Gursky – President Gursky read the formal definition of a campaign to give senators an idea of what can be restricted by the Senate.
- Dickmeyer – Suggested that (1) Monte issue a statement saying that he promotes elections and not any individual team, (2) candidates are banned from *personally*

campaigning, and (3) the definition should be made temporary until the EC can convene ASAP to create a more formal definition.

- Nielsen – Pointed out that controversy increases publicity and popularity and suggested that (1) candidates be required to remove all campaign materials from campus immediately and prohibition of third-party material that may replace it, (2) the candidates should be suspended from Facebook and any other internet campaigning, and (3) prohibition of verbal promotion by the candidates themselves.
- Gordon – The candidates names should not be seen or mentioned, names removed from ballot, with no campaigning allowed.
- LaFortune – The two punishments should not coincide; either the candidates should remove their campaign materials or they should be write-in candidates, but it should not be both.

A motion by **Dantic-Nielsen** for a five-minute unmoderated caucus was approved by VV.

A motion by **Boslough-Bennett** to extend the unmoderated caucus by 10 minutes passed by VV.

- Coon – A write-in campaign is not a terrible disadvantage and equalizes the playing field.

A motion by **Gursky-Patten** to amend the EC decision to allow the candidates' campaign to proceed, but to restrict them to write-in-only candidates failed 6-7 by RCV. (see Tally Sheet)

A motion by **Springmeyer-Williams, T.** to define a suspended campaign as “(1) removal of all campaign materials from The University of Montana campus and the Missoula community, (2) termination of involvement in electronic campaigning, (3) suspension of spending funds for campaign purposes, and (4) prohibition of all verbal campaigning” passed 10-4 by RCV. (see Tally Sheet)

- Patten – The definition is not realistic and would be impossible to enforce completely.
- Molgaard – The elections cannot be made fair by disadvantaging violators but only by giving the opposing team an advantage, but that would violate Bylaws. Therefore, the current decision is the most viable.

A motion by **Bennett-Molgaard** to approve the EC decision as amended failed 7-6 by RCV. (see Tally Sheet)

- Edmunds - Argued that the definition was not enforceable and would get the candidates disqualified quickly. He questioned how the Senate would enforce the verbal ban, and stated that students have the right to be informed about who they are voting for. Urged the Senate to decide on a write-in candidacy and allow the candidates to continue campaigning.
- Nielsen – It disenfranchises students to allow them to vote for candidates that aren't allowed to explain their positions on key topics.
- Elections Committee – Amanda Stovall – The current definition is not feasible and reminded the Senate that they can still choose to return to the original EC decision



- Professor Smith – Urged the Senate to choose a write-in campaign. It would be difficult to define and impose a suspension, and a write-in campaign would give the choice to the students.
- LaFortune – The Senate should either decide on a write-in campaign or dismiss the issue altogether. Don't suspend the candidates' funds, just set aside payment for Monte.
- Patrick Rhea – A write-in campaign is the same as disqualification. Let Monte lobby for the other team, disallow campaigning by the candidates but keep their name on the ballot. He urged the Senate to approve the amendment to the EC decision as it stands.
- Sims – A write-in candidacy is a fairer choice.
- Selph – If the candidates are banned from talking, the students can't be informed about who they are voting for.
- Williams, T. – Informed the Senate that the candidates were with Monte for a total of 35 minutes and that a one-team ballot was not a level playing field.
- Coon – Urged the Senate to vote for a write-in campaign.
- Patten – Disagreed with Senator Williams, T. that a one-team ballot was a bad thing, but did point out that the prohibitions placed on the candidates would lead to complaints by the student body. He urged the Senate to vote for a write-in campaign.
- Dickmeyer – Stated that a write-in campaign is "suicide." That punishment would be far too harsh for the crime. She added that the rules set forth in the current amendment would not be broken intentionally by the candidates and would be the fairest option.
- Bennett – The prohibitions don't limit the public's right to speak about the candidates.

A motion by **Nielsen-Patten** to amend the EC decision to a write-in campaign with the prevention of further campaign expenditure failed 6-7 by RCV. (see Tally Sheet)

A motion by **Edmunds-Patten** to amend the EC decision to a write-in campaign with the original \$150 limit placed on candidate expenditures with the expense for Monte being waved failed 6-7 by RCV. (see Tally Sheet)

A motion by **Dantic-Molgaard** to approve the EC decision as amended failed 7-6 by RCV. (see Tally Sheet)

A motion by **Gursky-Coon** to add to the amendment "any violation of these stipulations is grounds for immediate removal from the ballot and campaign" failed 4-8 by RCV. (see Tally Sheet)

A motion by **Springmeyer-Bennett** to allow verbal campaigning by the candidates only in order to answer questions from the public failed by VV.

- Williams, T. – Should suspend the candidates' campaign for 70 minutes, which is twice the time that they spent with Monte, and the Senate should help campaign for the other team for that 70 minutes.
- Selph – Decide on a disqualification or approve the suspension.
- Elections Committee – Amanda Stovall – Reminded the Senate that the other executive team played by the rules.

- Patten – Accused the Senate of playing favorites and stated that if the senators had not known the candidates personally, there would not even have been an appeal.
- Dickmeyer – Questioned whether the situation called for punitive or rectifying actions. There was no malicious intent by the candidates, and Senator Dickmeyer worried that the Senate was being punitive for the sake of being punitive.
- Boslough – Affirmed that this was a rectifying situation and urged the Senate to strike the prohibition of verbal campaigning from the amendment.
- Coon – Stated that Monte was an internationally known symbol and that his presence in the campaign was very impactful. She urged the Senate to concentrate on solutions to the problem that will work and reminded the senators about the write-in option.
- Bennett – While she did not deny that Monte was a very well-known mascot, she argued that the students' exposure to Monte's campaigning was minimal. Asked the Senate to strike the prohibition of verbal campaigning and add "removal from ballot or campaign if violated."

The Chair recognized the presence of Senator Hohman.

A motion by **Nielsen-Molgaard** to remove the prohibition of verbal campaigning was approved by VV.

Current Amendment:

- 1) Removal of all campaign materials from the UM campus and Missoula community.
- 2) Termination of involvement in electronic campaigning.
- 3) Suspension of spending funds for campaign purposes.
- 4) ~~Prohibition of all verbal campaigning.~~
  - Gursky – Questioned the rationale behind removing the verbal ban. Stated that if one stipulation was struck, the rest of the amendment should be struck as well.
  - Springmeyer- Agreed with Senator Dickmeyer that the Senate was punishing just for punishment's sake and urged the Senate to concentrate on rectification. Suggested the possibility of contacting Athletics to have a "get out and vote" day with Monte to raise awareness of the entire race.
  - Williams, T. – Chastised Senator Patten for attempting to leave in order to lower quorum. Stated that he had been speaking with Senator Hohman, part of the other executive team, and Senator Hohman had stated that it was not in good practice to run unopposed.
  - LaFortune – Did an informal poll within the Senate asking whether or not the EC members on Senate should be allowed to vote. There were 7 "yes" votes to allow them to vote.

Senator Hohman and VP Edmunds were marked as unexcused absences.

- Patten – Stated that his attempt to lower quorum was due to his agreement with the original EC decision and he hoped that it might break the stalemate.
- Dickmeyer – Disagreed with the removal of the verbal ban. She argued that the amendment itself was too harsh, but that it should be put to a vote in its entirety.

A motion by **Coon-LaFortune** for a five-minute break passed by VV.

- Suzuki – Accused the Senate of making a mockery of proceedings and urged the members to walk out and lower quorum. Senator Suzuki left immediately after.

A motion by **Nielsen-Patten** to remove censure from Senator Williams, M. passed by VV.

- Williams, T. – Questioned how many times Senator Hohman has been marked as an unexcused absence and noted that he could possibly be impeached due to his lack of attendance, which would nullify the current elections race and would level the playing field for a new election.
- Gursky – President Gursky stated that Senator Hohman did not have enough absences to qualify him for impeachment proceedings and informed the Senate that Senator Hohman had submitted his resignation from the Senate. She read aloud his resignation letter and stressed that it is the Senate's job to uphold bylaws.
- Williams, M. – Senator Mariah Williams expressed her deep disappointment in the proceedings and stated that she felt some senators were not taking their responsibilities seriously.
- Williams, T. – Argued that the Senate is taking the issue very seriously and that it was unprofessional to accuse fellow senators of not caring about the decision at hand.
- Elections Committee – Amanda Stovall – Called the proceedings ridiculous and argued that the meeting was about the violation of Bylaws and the punishment of those violations. She also stated that if any senators had helped campaign for the candidates in question, then they should abstain from voting as well.
- Patten – Reasserted that if the Senate had not known Candidate Brown that the appeal would not even be happening and questioned why the Senate bothered with Bylaws and the Elections Committee if they did not differ to the EC's judgment.
- Coon – Expressed that she did not know how to make the punishment properly fit the crime and suggested that the Senate return to the original EC decision.
- Nielsen – Stated that if the Senate could not compromise then they should yield to the EC's decision. Agreed with Amanda Stovall that if any senator is campaigning for the elections, then they should not be voting. She reminded the Senate that a good compromise would be a write-in campaign without expenditures.
- LaFortune – Urged the Senate to move forward or adjourn. Also stated that she believes that senators should be allowed to vote, whether or not they're campaigning.
- Simpson – Asserted that democracy does not bend rules to make it easy and that the suspension of the candidates' campaign is not adequate. She stated that the Bylaws have already been violated and urged the Senate to yield to the EC's decision.

A motion by **Nielsen-Patten** to revert back to the original EC decision failed 6-7 by RCV. (see Tally Sheet)

- Overturf – Send the decision back to the EC to reconsider.
- Gursky – The EC has already stated that they do not want to the decision to return to their committee.

- Dickmeyer – Stated that she was still against disqualification and that the Senate has failed to consider the intent and consequences of the candidates' actions. She urged the Senate to approve the current amendment.
- Dantic – Stressed that a 23-person student-elected group is better able to make a fair decision than a 6-person group and that the student body should have their wishes heard.
- Bennett – Asked the Senate to return conversation back to punishments.
- Williams, T. – Was optimistic that the Senate would be able to reach a compromise because they have the freedom to create any punishment they see fit. She also urged the Senate to listen to the students.

A motion by **Patten-Coon** to dissolve the Elections Committee failed by VV. Senator Patten stated that if the Senate was not going to rely on the EC's judgment that they should not even have the committee.

Chair recognized the presence of Senator Suzuki.

- Suzuki - There were two other violations by the candidates, as well as one complaint on the Hohman/Williams campaign wording; however, the Monte infraction was the only violation to be brought forward before Senate due to the sanctioning of the candidates.
- Nielsen - There has been a culmination of several complaints against the candidates and they have had the opportunity to read bylaws over several times. Senator Nielsen defers back to the EC decision.
- LaFortune - In her personal experience, she felt rushed at the EC meeting the previous night and that she believes she didn't have complete information on both sides of the candidates' arguments. There are checks and balances for a reason, and that is why the Senate is discussing the issue.
- Elections Committee – Stovall - Ms. Stovall felt that she had done her job on the committee and urged the Senate to make the tough decision.
- Overturf - Not everything can be open to interpretation. There are processes and rules set in place so things like this don't happen. Make a decision. Make a compromise but follow the Bylaws.
- Dickmeyer - The most important thing is to consider what effect this violation had on the elections. Write-in is an unfair punishment. The Senate is not disrespecting the EC's decision, but the Senate has the power to overturn their decisions for a reason. She encouraged the Senate to pass the current amendment.

A motion by **Patten-Nielsen** to revert to the original language of the EC's decision failed 7-7 by RCV. (see Tally Sheet)

- Suzuki - Senator Suzuki urged the EC members who sit on the Senate to still vote. He was firm in his resolve that, no matter what, the candidates still need to account for the cost of Monte. He accused his fellow senators of playing on friendships with the candidates in question.

- Springmeyer - Senator Springmeyer apologized to Senator Williams and Asa Hohman for seeming insensitive to their side of the argument and excused himself to attend a previous engagement.
- Professor Smith - He advised the Senate to look at the intent, motivation, and consequences of the candidates' violation and to take that into consideration.

A motion by **Bennett-Dantic** to add to the amendment the lines “Any evidence of the candidates’ ~~original~~ *all* campaign materials on the University of Montana or in Missoula will be immediate grounds for disqualification from the election. ~~Furthermore, if the candidates have taken no part in and have absolutely no prior knowledge of any of their original *all* campaign materials on the University of Montana campus or in Missoula, they will not be disqualified from the campaign~~” passed by VV.

--Discussion:

--Bennett (for) - The proposed language is simply a change in what has been talked up until that point, and it should be considered as a starting point to build upon in further discussions.

--Suzuki (against) - Senator Suzuki suggested the “furthermore” statement be removed; an amendment that was considered friendly. There was another suggestion to replace the phrase “original campaign materials” with “all campaign materials.”

--Dickmeyer (for) - A motion by **Dickmeyer** to approve the change to the addition in question passed by VV.

--Nielsen (against) - This addition is not realistically enforceable.

Current Amendment:

- 1) Removal of all campaign materials from the UM campus and Missoula community.
- 2) Termination of involvement in electronic campaigning.
- 3) Suspension of spending funds for campaign purposes.
- 4) Any evidence of the candidates’ *all* campaign materials on The University of Montana or in Missoula will be immediate grounds for disqualification from the election.

- Sims - Chair Sims urged the Senate to accept the EC’s decision. Punishment should be the priority, not rectification.
- Patten - Violations were made, so the EC decision should be upheld.
- Williams, T. - A motion by Senator Williams, T. to approve the amendment had no second.

A motion by **Dantic-Gursky** to amend the current decision to add “no comment shall be made by either candidate to the Kaimin” passed by VV.

Current Amendment:

- 1) Removal of all campaign materials from the UM campus and Missoula community.
- 2) Termination of involvement in electronic campaigning.
- 3) Suspension of spending funds for campaign purposes.
- 4) Any evidence of the candidates' all campaign materials on The University of Montana or in Missoula will be immediate grounds for disqualification from the election.
- 5) No comment shall be made by either candidate to the Kaimin.

A motion by **Simpson–Suzuki** to add to the current amendment “They will be struck from the ballot and may be write-in candidates with a suspended campaign” failed by VV.

--Discussion:

- Simpson (for) - This is a fair compromise and leaves the decision of running up to the candidates.
- Nielsen (against) - The requirements are getting so strict that the Senate might as well disqualify them and so this wording is not really a compromise.
- Suzuki (for) - This is a good decision and the candidates are still allowed to be voted for.
- Williams, T (against) - These restrictions seem like the Senate is barring the candidates from the campaign without overtly barring them.

A motion by **Suzuki-Patten** to add to item three “suspension of spending funds for campaign purposes, *with an immediate report of income and expenses for all expenditures currently used, including the use of Monte at his full price*” passed by VV.

- Suzuki (for) - The candidates cannot claim Monte as free as donations are not allowed.
- Dickmeyer (against) - This addition is adding further stipulations to what is already a “death sentence.”
- Patten (for) - Mascots don't show up for free, and the candidates need to pay for Monte's time.
- Williams, Topher (against) - They only used Monte for 35 minutes, so it's not an extreme price, and he emphasized that Monte approached the candidates, not the other way around.

Current Amendment:

- 1) Removal of all campaign materials from the UM campus and Missoula community.
- 2) Termination of involvement in electronic campaigning.
- 3) Suspension of spending funds for campaign purposes, *with an immediate report of income and expenses for all expenditures currently used, including the use of Monte at his full price*
- 4) Any evidence of the candidates' all campaign materials on The University of Montana or in Missoula will be immediate grounds for disqualification from the election.
- 5) No comment shall be made by either candidate to the Kaimin.

- Jamie Frasier, Kaimin Editor - It seems like the Senate is trying to silence the candidates, but the Kaimin will still write about them using past discussions and other sources, and

the Senate cannot silence those sources. She also strongly warned about the PR repercussions of forbidding a candidate from talking to the press.

- Dantic - It seems like the Senate is trying to silence the candidates because they *are* trying to silence the candidates.
- Bennett - It might be in the Senate's best interest to strike the Kaimin clause. She suggested there be a change in the wording in order to respect the right to free speech for those individuals who are not the candidates, as well as the Kaimin.

Chair recognized the presence of Senator Molgaard.

- Williams, T. - Free speech is for the public is important. Senator Williams suggested the wording of "Either candidate shall not make a comment to the Kaimin regarding this decision by the body." Students will have to go elsewhere for news on the Brown/Hagfors campaign.
- Sims - Chair Sims reminded the Senate that the option for a write-in candidacy was still available.
- Gursky - President Gursky expressed her concerns about restricting quotes to the Kaimin and forcing the candidates to pay money for Monte.

A motion by **Suzuki-Patten** to approve the decision of the Election Committee as amended failed 4-10 by RCV. (see Tally Sheet)

A motion by **Boslough-Selph** for a ten-minute unmoderated caucus passed by VV.

A motion by **Suzuki-Dantic** to strike "no comment shall be made by either candidate in the Kaimin" passed by VV.

Current Amendment:

- 1) Removal of all campaign materials from the UM campus and Missoula community.
- 2) Termination of involvement in electronic campaigning.
- 3) Suspension of spending funds for campaign purposes, *with an immediate report of income and expenses for all expenditures currently used, including the use of Monte at his full price*
- 4) Any evidence of the candidates' all campaign materials on The University of Montana or in Missoula will be immediate grounds for disqualification from the election.
- 5) ~~No comment shall be made by either candidate to the Kaimin.~~

A motion by **Dickmeyer-Selph** to remove all previous amendments and add "candidates will be removed from the ballot and will qualify for a write-in candidacy" was approved by VV.

--Discussion:

--Dantic (for) - It's unfair for the candidates to have to expense the cost of Monte and the write-in candidacy is more than enough punishment.

--Williams, T. (against) - Suggested that they be charged for 35 minutes of Monte.

A motion by **Suzuki-Patten** to include “expenditures will include the full cost of Monte” failed by VV.

--Suzuki (for) - The expense of Monte must be accounted for, otherwise they are in direct violation of elections bylaws.

--Dantic (against) - The candidates are being removed from the ballot, so they are accounting for.

--Coon (against) - All violations must be punished, not just select ones.

--Gursky (for) - They will only have \$50 left to win a write-in campaign, so it is enough.

- LaFortune - There was no monetary transaction between the candidates and Monte, and his time was taken as an in-kind donation. They violated the ban on in-kind donation, so they are being punished only for that.

A motion by **Gursky-Bennett** to approve the amendment to the EC decision to make the candidates write-ins passed by VV.

A motion by **Gursky-Selph** to approve the following hiring committee for sustainability coordinator: Stacy Boman, Zach Brown, Clay Springmeyer, Steven Mumblo, Cherie Peacock, and Leb Broberg passed by VV with unanimous consent called by **Dantic**.

- Suzuki - Giving the other team more money would not keep the Senate from violating bylaws. The candidates should pay for a full hour for Monte, as that is standard business practice.

A motion by **Dantic-Simpson** to reconsider the EC decision as amended passed 10-5 by RCV. (see Tally Sheet)

A motion by **Dantic-Williams, T.** to add “the candidates will not be required to expense Monte on their candidate expense form” failed 7-8 by RCV. (see Tally Sheet)

--Discussion:

--Dantic (for) – They’re write-in candidates, and they have been punished enough.

--Suzuki (against) – This is a separate violation of the bylaws that will occur. The Congressional Review Board (CRB) will invalidate the election.

--LaFortune (for) – This could not be considered a financial transaction, and the Senate has duly punished them for the donation by making them write-ins. If the Senate doesn’t add this stipulation in, then they will be disqualified anyway for going over their allotted expenditures.



--Nielsen (against) – Suggested that the candidates account for the 35 minutes spent with Monte using the last of their campaign funds. This would prevent them from being financially disqualified. The transaction was not monetary, but it was a donation and they do have to account for it.

- Selph - Urged the Elections Committee not to charge for the whole hour, as Monte is not a contracted service. It should be treated on a salary-per-minute basis.

A motion by **Williams, T.-Dickmeyer** to *add a recommendation to* the Elections Committee requiring the candidates to pay for the 35 minutes that Monte campaigned with them passed by VV.

--Discussion:

--Williams, T. (for) – The CRB will be coming after the decision anyway and the students already think the meeting is unconstitutional.

--Suzuki (against) – Would approve of the addition if it is only a recommendation (friendly amendment).

--Gursky (for) – “Let’s recommend this to Elections.”

--Dantic (against) – The Elections Committee can’t overturn Senate decisions, so making a recommendation is ridiculous.

- Bennett - Suggest that the monetary punishment wait until Wednesday after VP Edmunds has talked to the Athletics Department about possibly using Monte’s services to help the other team.

Current Amendment:

- 1) The candidates will be removed from the ballot and will qualify for a write-in candidacy
- 2) The Senate *recommends* to the Elections Committee that the candidates pay for the 35 minutes that Monte campaigned with them.

A motion by **Gursky-Dantic** to accept the in-kind donation as \$58.33 to appear on the candidates’ expenditure form and null the recommendation passed by VV.

--Discussion:

--Gursky (for) – A recommendation is not enough; the Senate should make the decision and give the candidates boundaries.

--Suzuki (against) – Elections Committee shouldn’t be bound by the decision of the Senate, especially for candidates who have already committed several infractions.

--Dantic (for) – Don’t bring up other infractions if the EC didn’t bring them to Senate initially.

--Simpson (against) – This may result in a CRB, so the Senate should leave it as a strong recommendation.

Current Amendment:

- 1) The candidates will be removed from the ballot and will qualify for a write-in candidacy
- 2) The candidates will expense the in-kind donation of Monte's services at the amount of \$58.33 to appear on the candidates' expenditure form.

A motion by **Dickmeyer-Bennett** to approve the decisions as amended passed with unanimous consent by VV.

Meeting was adjourned at 11:42 p.m.

Julia Evans  
ASUM Student Administrative Associate